

## I'M DYING, GOOD BYE

KEEFE SETS UP FOR DEFENSE THE FIRST LAW OF NATURE

State Rests and Mr. Lydecker States the Case to the Jury—Defense Tries to Show that Astley Had His Arm Raised to Strike when a Bullet from Keefe's Revolver Went Through His Heart—First Witness Tells How It Was Done—Dr. Hensler Explains How It Might Have Been.

When court convened yesterday morning Frank Hardesty was recalled for the completion of his cross-examination. The defense claimed that Hardesty had given important testimony in this trial that he did not give on the first hearing, which was had in Kingman county. Mr. Hardesty in substance said:

"I think I did say on the first trial that for the first time I now tell all I know about this case. I may have said it. I told on that occasion what I thought of it at the time. There may have been things happened since that recalled circumstances to my mind. I did not look over the ground at the depot the evening after the killing. I know that there was a light in the depot that night but I cannot tell whether the lamps were in the waiting room or in the next room. I know it was light. I was alarmed at the time of the shooting and it may have taken me some time to recall all the things that happened. What alarmed me was the shooting, the scuffling on the window and the coming in of Astley and telling me that he had been shot."

Joseph H. Hensler, a fine old Norwich physician, was the next witness called by the state. He said he had been a practicing physician since 1861, and at the time of the killing was corner of Kingman county. He said:

"On the night of December, 1893, I went from Norwich to New Murdock. I think the distance is about ten miles. I went there and found George Astley lying dead in the depot waiting room. I arrived at New Murdock about midnight and employed a jury to make an investigation. We searched the body and examined the wound. The bullet had struck the left breast and ranged upward toward the right shoulder."

"I saw the body again on the 23d of January when the body was examined for a scientific examination. I did not make the examination but I was present. It was a raw, cold day and I kept a fire for the purpose of keeping the doctors' hands warm who was attending to the work. The result of such a shot must be death. A man receiving such a shot must live for ten minutes, owing to his vitality."

"On December 23d, 1893, when I took charge of the body of George Astley I found on the body a jackknife and \$27 and a few cents, a set of dice and a few other little articles. The money in his pocket was mostly in paper bills and they were rolled up in little round balls like marbles. When the bills were five I think there would be some times two or three in a roll. I examined the ground where it was supposed the shooting was done and found nothing. George Astley was a large, strong man that would probably weigh 200 pounds or perhaps 220, and in good health. Astley must have been standing up when he received the shot, as his left side toward the man who did the shooting."

"It was plainly to be seen that the defense were going to claim that Astley was in the act of shooting a man, and would assume if he were about to throw something with his right hand. They were directing their questions to show that the ball was fired from the corner that it would have taken if Astley had had his right hand raised to throw something at Keefe."

The prosecution saw this point and Mr. Wallace in his direct examination of Dr. Hensler got him to say that the same result would have followed if Astley had been carrying his overcoat on his left arm, causing his left shoulder to be lower than the right."

J. D. Musto and Eugene Musto were called but their testimony revealed nothing more than had been given by the other witnesses. Mr. Horn was recalled and told that he had seen the car link the next day after the shooting and that it was fifty or sixty feet from where the shooting was done. He also stated that there had been no switching of trains after the shooting to the time he saw the car link."

J. E. Doyle was the last witness for the state. He said: "I live at Kingman. I know John Keefe, the defendant in this case. I have had business with him. I keep a hardware store and also keep a stock of guns and revolvers. I had business with Mr. Keefe before December 23, 1893. I sold Keefe a revolver about five months before the shooting took place or rather traded with him. It was a .44 caliber Colt's revolver. I never sold a larger revolver. It was a large one. I do not know whether the revolver they had in court at Kingman was the one I sold to Mr. Keefe or not. I saw the revolver they had in court and I think it was not the one I sold to Keefe. It was like it."

DEFENSE STATES THE CASE. The state then rested and Mr. Lydecker stated the case for the defense. He said: "Our defense will be self-defense. The evidence will show that on the 23d day of December, 1893, Mr. Keefe went to the little town of New Murdock. That there was a shooting match there that day and a number of people were in town. The shooting match was not very much of a success. John Keefe went there and had a pistol with him. He told his son that they would take that revolver along and shoot with somebody for a turkey. When he went up to town he and some other men made up a game of cards. Old man Keefe was not much of a card player but he did play that day."

"They commenced a game of seven-up. The evidence will show you that George Astley proposed to play for the drinks and that Astley also proposed to play for a bottle of whiskey. That then Astley said I can name the three top cards in Mr. Keefe's hand. John Keefe said, 'If you can do that there is no use of my playing cards with you.' John could not get the top cards, but he did get ten dollars. The evidence will show that he did name two cards, but did not name the third, but Astley

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grabbed the money and claimed he had won it. "After that they separated and the evidence will show that the party charged men were not there all the time. It will show that the same four men who at first sat in the game went out and ate oysters and that they looked after getting the old man's money. John Keefe went over to the depot and asked for Astley. He went and met Astley in this open space by the depot and they talked about the money. They sat down on the edge of the platform and talked it over when Astley said: 'You ask me for that money again and I will wash your face with it.' He reached over the platform and picked up something and came for Keefe. Mr. Keefe retreated and drew his revolver and fired."

"Astley was a strong man. There is not as strong a man on this jury. We have the evidence to show that John Keefe is an old man and crippled; that he has lived in Kingman county for years and all that time he has been a good citizen and there has never been anything against him until this occurrence. We expect that the evidence will show that before this catastrophe occurred that Astley made threats as to what he would do if old man Keefe did not quit bothering him about his money. We will show that Astley lived here in Wichita and went under the assumed name of Brown on the edge of the platform and talked it over when Astley said: 'You ask me for that money again and I will wash your face with it.' He reached over the platform and picked up something and came for Keefe. Mr. Keefe retreated and drew his revolver and fired."

FIRST WITNESS FOR DEFENSE. James Sullivan was the first witness called by the defense. He said: "I live in New Murdock. I am a man by trade. I was in New Murdock on the 23d day of December, 1893. They had a turkey shoot there that day. I saw Keefe and Astley there that day. I saw Keefe at the turkey shoot about 3 o'clock in the afternoon. The shooting match was down by the elevator. I do not know who went up there to see me or Keefe. The next time I saw Keefe was in the Musio barn. The railroad track in New Murdock runs nearly east and west and the business street north and south. The barn is fifty or sixty feet from Main street. I went over near the barn to chop some wood and heard some people talking in the barn and I went in. There were several people in there, maybe twelve or fifteen people there. They were playing cards and I leaned my back against a post and watched the game. Astley at that time was sitting in another part of the barn. I did not know what the men in the other part of the barn were doing but they were sitting down and I thought they were playing cards. I heard them say they were playing for the drinks but I did not know. People frequently played cards in that barn before but I never saw Keefe and Evans there before but had seen Astley there before that day."

"I heard them talk of betting. George Astley said he would bet five dollars that he could name two cards in Keefe's hand. Keefe said if you can do that there is no use for us to play cards with you. Then he offered to bet ten dollars. Astley asked John Keefe how much money he had. Keefe said twenty dollars. Mr. Evans told George Astley that he was bluffing; that he could not name the cards. After that both men took back their money. Each man had lost twenty dollars on a bluff. Then I went out and left the barn. The men that were playing had liquor. I saw a bottle of whiskey lying by the box. It was a cloudy evening and rained at intervals."

"I saw John Keefe at the depot after I left the barn. It was dark when I saw him at the depot. I went in there and asked him what the agent came in and after that Frank Hardesty came in and asked about trains. About ten or fifteen minutes later John Keefe came in and saluted us. He then asked John Horn, 'Did he see the Astley?' Then Keefe talked to Horn about the bet that had been made. As near as I can recall he said George Astley bet him ten dollars that he could name three cards in Keefe's hand. Keefe said he had the ace and king of spades and either the nine of hearts or diamonds. I have forgotten which. Keefe said he had the ace and king of spades but he did not say which he did not have but had the nine of the other suit. If Astley guessed the nine of diamonds Keefe said he had the nine of hearts and if he said Astley had guessed the nine of hearts he had the nine of diamonds. I have forgotten which he said."

"Then he said he told Astley that he had not named them and Astley came around and looked in his hand and said, 'I guessed them right,' and grabbed the money. Talking on the outside someone immediately after Keefe left the depot. The first thing that attracted my attention was the words, 'give me my money,' the other said, 'what are you going to do about it?' Then there was a shot fired and after that a knocking on the two windows." (Here the witness went to a window and imitated the knocking, striking right and left on the glass as rapidly as he could which he resumed his place in the witness chair.)

"I AM DYING, GOOD BYE." "The noise on the depot windows sounded like it was made with some metallic substance. Astley came in and said: 'He shot me.' He then said: 'I am dying.' I said: 'George where are you shot?' He said: 'There, pointing to his neck. He then murmured something that sounded like 'good bye.' I could not hear exactly what he did say. I did not examine the ground at the depot that night but I went the next morning to see a car link that somebody told me was there."

"Astley was a large man, weighing about 200 pounds. I heard him say once that he was 45 years of age. I have seen Astley mad. I cannot tell how he acted when in that condition. A person not acquainted with him could not tell when he was mad. I always looked upon Keefe as being of an impulsive nature, while Astley was of the opposite nature. Keefe showed no anger when he came into the depot. He did not seem to be out of humor but seemed worried. I knew him pretty well. I worked for him once fixing some flues. I have seen him frequently since that time."

Court adjourned until 9 o'clock today.

LIKED A PROHIBITION TOWN. A Man from Kansas City Who Admires Wichita's "Diplomacy." He was from Kansas City, and, when he alighted from the Frisco train, three friends gathered around him. They inquired as to the state of his health since the annual jamboree, viz: the Kansas City Carnival, and lost no time in asking whether or not he had brought along any of the fur of the original animal. It is to be presumed that he did, for the quartette adjourned to meet around the corner of the depot and the Wichita people returned with a suspicious moisture in their eyes—it was the pure stuff and they weren't used to such.

"That winds 'er up," said the visitor, as he handed the bottle to a policeman who tucked it down next to his heart. "and here I am where we can't get any more. Beware! I wouldn't live in such a burg. Say, why don't you fellows come to a place where they give us the credit of being 'winded'?" The friends looked at him reproachfully and compassionately. An air of resolution overspread their faces, and they walked the Kansas City off in the darkness.

Three hours afterward the gentleman from Missouri and his friends were just observed returning from a "bath."

## CIRCUS IS COMING

GILBERT PLOW WORKS RENTED BY THE McMAHONS

Their Show will go into Winter Quarters Here and May Give a Performance Before Doing So—The Proprietors and all Leading Men to Make this Their Home—The Circus will Equipt a Great Deal of the Local Products and will put Money in Circulation—Local People are Glad of It.

Yesterday Edwin Taylor, the livery man of this city, closed the contract by which Joe B. McMahon's circus gets possession of the Gilbert Plow works for their winter quarters. The circus will be here ready to occupy its new home by Nov. 1, at which time it may give a performance providing, of course, the weather is suitable.

Mr. McMahon has a legion of friends who are glad that his circus is coming here for that, necessarily, will bring himself and his family as well as the principal people connected with the show which has been greatly strengthened and added to since he was here last.

It will also mean that when the show starts out next year all its actors will assemble here a month in advance to rehearse and be fitted out and this means the outlay of a great deal of money.

The principal reason for Mr. McMahon choosing this as his winter quarters is the short winter, the good climate and the cheapness of everything required about circus quarters especially hay, oats and corn for horses and meat for snakes and wild animals.

It is said that the feed bill for the circus alone amounts to about \$500 a month with incidental expenses a great deal more than that. Cars will have to be built, cages repainted and a great deal of other work is to be done, giving employment to a great many people.

CITY IN BRIEF. M. W. Holmes of Kansas City is here on business. T. B. Keller of Marion is in the city on business. George H. Langdon of Boston was at the Carey hotel yesterday. John Ronaldson of St. Louis is among the visitors in the city. George N. Hamilton of Galesburg, Ill., was at the Carey last night. Dennis Madden of Cottonwood Falls was a visitor in the city yesterday. Joe Block of Chicago is seeing the western duplicate of his home town. Henry Goldsmith of Winfield is in the city looking after his business interests. M. C. Clark of Kansas City, Mo., is on a business visit to the Peerless Princess. W. A. Maxey, one of the wheel-horse Democrats of this county, was in town yesterday.

**DISFIGURING HUMOURS** Prevented by **Cuticura SOAP** when all Else Fails. CUTICURA SOAP purifies and beautifies the skin, scalp, and hair by restoring to healthy activity the CLOGGED, INFLAMED, IRRITATED, SLUGGISH, or OVERWORKED PORES.

**GOLDEN EAGLE.** Special This Week: Clay Worsteds suits worth Ten Dollars at **\$6.50.** Beaver Overcoats in all colors, worth Ten Dollars, for **\$5.90.** Heavy Underwear at 25c. Celluloid Collars 4c. Black and Tan Colored Hose 4c pair. We Meet and Beat All Competition. **GOLDEN EAGLE.** 225-228 E. Douglas. Cor. Lawrence

**Store Crowded** all the time. **Why Not?** when you can buy **\$3.50** and **\$4 shoes** at **\$2.50 and \$3.00.**

**The Largest Stock, The Best Selections** in the city. **NEFF'S** 144 N. MAIN.

Born to Mr. and Mrs. Harry A. Miller, last Saturday, a big boy. All doing well and are happy. William O. Gilchrist of Valley Center and Miss Annie B. Combates of the same place were granted a license to wed yesterday. George Russell has severed his connection with the firm of E. H. Best & Co., of Boston, and on January 1 becomes the traveler through New England of a large Baltimore house. In the meantime he is taking a well earned rest and is now with his mother and brother in Kansas City and will soon shake hands with old friends in Wichita.

G. M. Martin was in the city yesterday in attendance on the appellate court. Mr. Martin is one of the brightest and most able attorneys in western Kansas. His work at Medicine Lodge and in neighboring towns as a lawyer has made him a man of considerable renown. Today he goes to Guthrie, and it is said not to be altogether improbable that he may locate in that city, and add to the lustre of the already brilliant galaxy of legal lights in Oklahoma.

The game of ball, Saturday between the commercial travelers and employees of the Pacific and Wells Fargo Express companies promises to be a red hot exhibition of the national game. There is an old score standing between these clubs, and each intend to place their strongest players in the field and make every effort to win the game. Nothing but clean, honest playing will be permitted and the ladies should be present in force, to encourage the players to their utmost ability and unflinching attendance.

COMING LOCAL EVENTS. All Republican voters of Wichita township are requested to meet at the Township House on Saturday, Oct. 12, at 2 p. m. for the purpose of nominating candidates for the several township offices. J. H. BROWN, Committeeman.

**What You Need** When you are weary and worn, without an appetite, have no ambition, sleepless, nervous and irritable, is purified, enriched and vitalized blood; and remember **Hood's Sarsaparilla** Is the only true blood purifier prominently in the public eye. \$1; six for \$5. **Hood's Pills** cure all liver ills, biliousness, headaches, etc.

**INSURE IN HUTTMAN'S AGENCY** against Fire, Lightning, Tornado, Flood, Glass Accidents. **Chapman & Walker.** How some women worship pretty clothes! But who blames them? We don't, we try to cater to their tastes in this direction. We try to buy dress goods so lovely that as soon as a woman sees them she will want a new dress. The beauty and price are irresistible.

**139 N. Main St.** **F. W. SWAB** 145 N. Main. The Art Tailor

**Boston Store** 103, 105, 107, 109, E. DOUGLAS AVE.

**Fruit of the Loom MUSLIN** Yard wide, in lengths from 2 to 8 yards. **64c** **STORM SERGE** Navy Blue, 50 inches wide, **25c**

**2000 Yards Mill Lengths** Just arrived, to be closed at less than wholesale prices. **Heavy Gray Blankets** Regular price \$1.25 per pair, **79c** **Shaker Flannel** Heavy quality, worth 15c per yard, **8 1/2c**

**Black Dress Goods.** **TRICOT FLANNEL.** 50 inches wide, all wool, smooth, glossy finish; a 75c quality. **49c** **ENGLISH CHEVIOT.** 50 inches wide, all wool, wiry weave, very desirable, worth \$1.25 a yard **75c** **SCOTCH PLAIDS.** In many pretty designs and all the much called for colors, at 50c and **30c** **FRENCH SERGE.** 40 inches wide, all wool, firm weave, regular 45c value. **27c** **BRILLIANTINE.** 40 inches wide, plain and fancy weaves, dust proof all the rage in the east for separate skirts. **39c**

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## AT Cash Henderson's

This store is always finding excuses to sell things cheap. Just now it is a lot of left over Cloaks and Jackets for ladies, misses and children. They are not far out of style, if any. Good, honest winter garments. The tickets call for \$10 up to \$18—that is, they did last season, but today we must close them out at \$1 each, miraculous as it may seem. What care you for style when dollars can be saved in times like these?

2000 yards "Best of All" half wool Suitings, 15c. Beautiful to look at or to wear, and easy to buy, goodness knows. 25 pieces Henrietta Cloths, higher quality, better finish, lower cost—a most unlikely combination; but that is true, nevertheless, when 50c was the old price and 29c present. 25 pieces Cheviots at 35c. We are going to make Cheviots more than ever popular this season.

In the Domestic department are 50 dozen bran new good, strong Gingham Kitchen Aprons. We'll hurry them off at 25c for two aprons. When we strike a snap at the market we take it in. It's our nature. Our latest snap is 25 dozen Knit Fleece lined Drawers for men. We can sell them at 50c a garment. You'll pay \$1 for not so good elsewhere. Cold weather is all right when you can sleep under such Blankets as we are selling this winter. Come and see our latest Blanket arrivals.

## AT Cash Henderson's

**A GOOD THING** **IN THE RIGHT PLACE** One of our full length Overcoats, a Fine Fitting garment. Our tailor made suits are quite popular, and are sold at the Model's well known Low Prices. A full and complete line of Furnishings and Hats.

## Model CLOTHING HOUSE.

S. M. STEVENS, 138 N. MAIN ST.

**Some Fine Figuring.** That dealers in ready made clothing persist in claiming that their goods are equal to tailor made garments, when everybody knows that no two persons are of the same figure. The only way to secure, **SUITS TO FIT** of honest materials and honestly made, to place your order with a responsible tailor who carries the best fabrics for men's wear. Judges of good goods are invited to call and inspect our stock.

**THE Glosier Tailoring COMPANY** HARTENING, CUTTING. 148 N. Main St.

**The Busiest Store ON WICHITA'S Busiest Street..**

**DRESS PRINTS.** 1000 yards Dress prints, mill lengths all standard brands, worth 7 1/2c **4c** **BED SPREADS.** White Crocheted Bed Spreads, full size hemmed ends, worth 75c each **52c** **TABLE DAMASK.** Table Damask, bleached, 58 inches wide; biggest bargain in town **24c** **DAMASK TOWELS.** Damask Towels, 45x18, colored border fringed, good value at 35c, **16c** **WRAPPER CLOTH.** Wrapper Cloth in Roman stripes on black grounds, fleeced, soft finish, **10c**

**Cotton Eiderdown** In gray and tan, sold everywhere at 12 1/2c **64c** **Ready-Made Sheets.** Unbleached, two yards wide, **39c**

**All Wool Flannels.** All colors, plain and check, 30c value, **19c** **Silecias.** In the very best qualities; actual value 30c **7c**

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## S. E. Noyes &amp; Co

**AT THEIR NEW LOCATION** CORNER OF MARKET ST. 127 and 129 Douglas Ave.

**Capes, Cloaks, Jackets,** An elegant new stock, all new. Stylish, Dressy, Perfect Fitting. It is hardly necessary for us to tell you that our prices are below the market. Those that look around return to us. If they want a handsome Jacket they return and buy of us.

If they want a cheap garment they come back to us. Where else can they buy a beautiful FUR CAPE, 30 inches long, with a sweep of 100 inches, lined throughout with Silk for **\$6.50**

We will sell all Fur Capes proportionately cheap. Astrachan, Monkey, Wool, Seal and Electric, all popular furs, thirty to forty inches long with an immense sweep.

**Our Jackets** have excited universal admiration. You have undoubtedly heard your friends speak of them. They are new styles; old cuts don't represent them. We will sell a handsome Jacket and a good Jacket for **\$3.50**

**Cloth Capes** at equally low prices. Our sales, so far, this season have been way in excess of any previous years, not only in Cloaks, but in every thing in our line.

**If you want an elegant Cloak, come to us.** If you want a cheap cloak come to us. If you want a Fur Cape, come to us. Come to the Bargain Store of **S. E. Noyes & Co**

**We Meet The Trade's Demands** In volume, scope and quality of stock—the best foreign weaves in tone and effect of style and its of garments, in reliable workmanship, and in prices for the

**Best Suits and Single Garments.** We acknowledge no successful competition in these particulars. We invite tests of our claims. **MILLER & HULL,** Tailors and Drapers, 206 East Douglas

**EDGAR B. GORDON,** with **MOZART SCHOOL OF MUSIC** Teacher of violin from Chicago Conservatory, Chicago, Ill. Instruction, primary and advanced. For information call at studio in Douglas block, or address as above.